

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:18-cr-02945-WJ

JANY LEVEILLE, et al,

Defendants.

**DEFENDANTS' SUPPLEMENT TO RESPONSE TO UNITED STATES'
OBJECTIONS TO DEFENDANTS' JOINT EXHIBIT LIST [DOC. 927]**

Defendants, through their respective counsel of record, file this supplement to Defendants' Response to United States' Objections to Defendants' Joint Exhibit List [Doc. 927], and in support thereof argue as follows:

In addition to the arguments already made in support of the relevance, materiality and admissibility of Exhibits A, B, C, F and M on Defendants' Joint Exhibit List, Defendants assert that these five exhibits constitute intrinsic evidence which will provide critical factual and contextual background to the jury. *See United States v. Parker*, 553 F.3d 1309, 1314 (10th Cir. 2009) (“[I]ntrinsic evidence is directly connected to the factual circumstances of the crime and provides contextual or background information to the jury.” (internal quotation marks omitted)). This evidence is inextricably intertwined with the evidence of the charged conduct and is an “integral and natural part” of Defendants' respective “accounts of the circumstances surrounding the offense[s]” in this case. *United States v. Johnson*, 42 F.3d 1312, 1316 (10th Cir. 1994) (internal quotation marks omitted); *See also United States v. Zuni*, 2006 WL 4109664 (D.N.M. July 7, 2006)(Browning, J.)(Finding that uncharged acts taking place on the same day as the alleged crimes were admissible because they “ma[d]e the charged offenses understandable by describing the

context in which they arose” and explaining that without the evidence “the jury would be confronted with evidence that Zuni kidnapped and raped the alleged victim on federal land, without any idea why the two happened to be there and why one member of this relationship would take such action against the other member.”)

WHEREFORE, Defendants respectfully request that the Court overrule the United States’ Objections to the introduction of these exhibits at trial.

Respectfully submitted,

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&

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Attorneys for Defendant Subhanah Wahhaj

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2023, I filed the foregoing electronically through the CM/ECF system, which caused counsel for the United States to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Justine Fox-Young

JUSTINE FOX-YOUNG